

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

Bail Appl..No. 2842 of 2015 ()

**AGAINST THE ORDER IN CRL.M.C.NO. 990/2015 of I ADDITIONAL DISTRICT
COURT, ERNAKULAM DATED 08-05-2015**

**CRIME NO. 21/2012 OF EXCISE ENFORCEMENT AND ANTI NARCOTIC SPECIAL
SQUAD, ERNAKULAM**

PETITIONER(S)/ACCUSED NO.12:

**SAJU T P AGED 29 YEARS
S/O. POULOSE, THATTIL VEEDU, MAVADY PO
CHEETHIPPARA, IDUKKI 685553**

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENT(S):

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31**

R BY PUBLIC PROSECUTOR

**THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 09-06-
2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Bail Appl..No. 2842 of 2015 ()

APPENDIX

PETITIONER'S EXHIBITS:-

ANNEXURE I-TRUE COPY OF THE AFFIDAVIT DATED 18.03.2015 FILED BY THE INVESTIGATING OFFICER (ASSITANT EXCISE COMMISSIONER (ENFORCEMENT), ERNAKULAM) BEFORE THE SESSIONS COURT, ERNAKULAM.

ANNEXURE-II-TRUE COPY OF THE ORDER DATED 23.4.2015 IN CRL.M.C.NO.861/2015.

ANNEXURE-III-TRUE COPY OF THE APPLICATION FOR BAIL DATED 4.5.2015.

ANNEXURE-IV-TRUE COPY OF THE ORDER DATED 8.5.2015 IN CRL.M.C.NO.90/2015.

RESPONDENT'S EXHIBITS:-

NIL

R.AV

//TRUE COPY//

PA TO JUDGE

K. ABRAHAM MATHEW, J.

B.A. No.2842 of 2015

Dated this the 9th day of June, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. The petitioner is the 12th accused in Crime No.21/2012 of Excise Enforcement and Anti Narcotic Special Squad, Ernakulam which has been registered for the offences under Sections 20(b) (II)(C)m 25, 27A, 29 and 31 of the NDPS Act.

3. The prosecution case is that accused Nos 1 to 3 were found to be in possession of 25 kg of dry Ganja which was brought from Orissa. The investigation revealed that the petitioner also is involved in it.

4. Heard.

5. The learned counsel for the petitioner submits that there is no evidence to connect the petitioner with the crime. On the other hand, the learned Public Prosecutor relies on certain documents to show his nexus with the commission of the offence. It is seen from the case diary that he regularly deposited amounts in the bank account of the 11th accused who is absconding and who is said to

be in Orissa. Copy of the bank account of the 11th accused proves that he is a resident of Orissa. The prosecution also relies on phone call records available in the case diary to prove that the petitioner frequently contacted the 11th accused and other accused. It is seen from the pay in slips available in the case diary that the petitioner gave the bank phone number to contact him. The call records indicate that he used to contact the other accused including the 10th and 11th accused frequently. The petitioner has no explanation for his connections with the 10th and 11th accused and the deposit of the amounts in the account of the 11th accused who is a resident in Orissa. So, prima facie, he is also involved in the commission of the offence.

6. The learned counsel submits that the petitioner has been in custody since 13.03.2015 and his further detention is not necessary. The 11th accused who operates from Orissa is still absconding. Releasing the petitioner on bail at this stage will make it difficult for the investigating officer to apprehend the 11th accused and it will frustrate the investigation. So I am not inclined to grant his prayer

now.

In the result, this application is dismissed.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge